

Application No.: 09/663,363
Amendment dated: August 8, 2006
Reply to Office Action of: February 8, 2006

REMARKS

By the foregoing amendments, claims 1, 9, 16, and 21 have been amended. In view of these amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all the outstanding rejections and that they be withdrawn.

The rejections and comments of the Examiner set forth in the Office Actions dated October 22, 2004, and February 8, 2006 have been carefully considered by the Applicant. Applicant respectfully requests the Examiner to consider and allow the claims that are pending.

35 U.S.C. § 103 Rejection

The present Office Action rejects Claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. (U.S. Patent No. 5,873,108) in view of Koyabu et al. (U.S. Patent No. 6,026,333) in view of Young et al. (2004/0008971).

At the outset, Applicant respectfully notes that the examiner's rejections are based on obviousness under 35 U.S.C. Section 103. For rejections under 35 U.S.C. Section 103, the establishment of a *prima facie* case of obviousness requires that all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03 The establishment of a *prima facie* case of obviousness requires that the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP § 2143.03

To resolve the issue of patentability based on obviousness, the examiner must not only look to the teaching in the asserted references that meets the claimed limitations, but must also point to the motivation in the asserted references that invites a combination in the event one reference is devoid of a particular teaching. Simply using the benefit of hindsight in combining references is improper. *In re Lee*, 277 F.3d 1338, 1342-45 (Fed. Cir. 2002); *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986)).

Rather, obviousness is to be determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. See 35 U.S.C. § 103(a). The legal construct also presumes that all prior art references in the field of the invention are available to

Application No.: 09/663,363
Amendment dated: August 8, 2006
Reply to Office Action of: February 8, 2006

this hypothetical skilled artisan. *In re Carlson*, 983 F.2d 1032, 1038, 25 USPQ 2d 1207, 1211 (Fed. Cir. 1993).

An examiner may often find every element of a claimed invention in the prior art. “Virtually all [inventions] are combinations of old elements.” *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed.Cir. 1983); see also *Richel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed.Cir. 1983). If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be “an illogical and inappropriate process by which to determine patentability.” *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 U.S.P.Q.2d 1551, 1554 (Fed.Cir.1996). In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

Independent Claims 1 and 16

Regarding Independent Claims 1 and 16, embodiments of the presently claimed invention disclose a method of automating categorization of data, and instructions for implementing the method, as presently claimed. The claimed embodiments of Independent Claims 1 and 16 pertain to a method and instructions for implementing the method for automating the categorization of data on a handheld computer. Specifically, embodiments of the present invention recite that a default data category is set (which differentiates between business and personal hours) based upon a clock time of day (clock TOD), a day of the week, and a time of day profile (TOD profile) that is referenced. That is, the TOD profile correlates' clock time information and day of week information with a data category that is used as a default category. In particular, at least one data category in the handheld computer is associated with a block of

Application No.: 09/663,363
Amendment dated: August 8, 2006
Reply to Office Action of: February 8, 2006

time corresponding to two or more days of the week. For example, a business data category may include a block of time from 9:00 a.m. to 5:00 p.m. on Monday through Friday of a week.

Applicant respectfully notes that the Goyal et al. reference in view of the Koyabu et al. and the Young et al. references do not suggest, teach, nor comprise the present invention as claimed in independent Claims 1 and 16 in which a default data category in a handheld computer is set based upon a clock TOD, day of week, and a TOD profile, wherein data categories can include a block of time corresponding to two or more days. The Goyal et al. reference teaches a personal information manager with an information entry that allows for intermingling of items belonging to different categories within a single unified view. The Koyabu et al. reference teaches a data utilizing system that categorizes and tabulated existing records by a time period (e.g., a period of months) and a categorization rule in order to analyze trends in the market and in commercial goods based on the existing records. The Young et al. reference teaches a user interface for a television scheduling system.

Applicant agrees that the Goyal et al. and Koyabu et al. references do not explicitly disclose the present invention that is used for accessing stored data in a handheld computer and for storing entered data in the computer in a default data category determined by clock time of day, day of week, and a time of day profile. More particularly, Applicant respectfully asserts that the Goyal et al. reference and the Koyabu et al. references each fail to teach, suggest, or disclose setting a default data category in a handheld computer based upon a clock time of day, a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days.

Moreover, Applicant respectfully asserts that the Young et al. reference fails to overcome the shortcomings of the Goyal et al. and Koyabu et al. references. Specifically, the Young et al. reference discloses a user interface for television scheduling corresponding to television program lengths of one half hour to one-and-one half hours or more. That is, when an update to the scheduling listing information is required, the programmable tuner automatically tunes to the station or cable channel carrying the listing information. As such, this updated listing information corresponds to listing information that is displayed at a particular point in time typically of one to two hours. Moreover, the Young et al. reference is not directed to a handheld

Application No.: 09/663,363
Amendment dated: August 8, 2006
Reply to Office Action of: February 8, 2006

computer, as is presently claimed, nor does the Young et al. reference teach the selection of a default category (which differentiates between business and personal hours) based upon a clock time of day, a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days, as is recited in independent Claims 1 and 16.

Thus, the Goyal et al. reference taken alone or in combination with the Koyabu et al. and Young et al. references, does not suggest or teach setting a default data category (which differentiates between business and personal hours) based upon a clock time of day, a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days, as is recited in independent Claims 1 and 16. The Examiner indicates that the motivation to combine these references need not be found in the references themselves, but in what they suggest to one versed in the art, rather than by their specific disclosures. To that end, as is well-established by the case law, such reasoning assumes that all prior art references in the field of the invention are available to this hypothetical skilled artisan. Applicant respectfully urges that given the disparate issue dates of the three references (February 16, 1999 (Goyal et al.), February 15, 2000 (Koyabu et al.), and August 8, 2000 (Conmy et al.)), the last barely one month before the filing date of the instant application, such knowledge can not be easily assumed

Accordingly, Applicant respectfully submits that independent Claims 1 and 16 overcome the examiner's basis for rejection. As such, Claims 2-8 which depend on independent Claim 1, and Claims 17-20 which depend on independent Claim 16, are also in a condition for allowance as being dependent on an allowable base claims.

Independent Claims 9 and 21

Independent Claims 9 and 21 recite similar limitations as the limitation discussed above in relation to the rejections of independent Claims 1 and 16. For similar reasons, it is respectfully submitted that independent Claims 9 and 21 are not rendered obvious over the Goyal et al. reference in view of the Koyabu et al. and Young et al. references. Specifically, the Goyal et al.

Application No.: 09/663,363
Amendment dated: August 8, 2006
Reply to Office Action of: February 8, 2006

reference taken alone or in combination with the Koyabu et al. and Young et al. references does not teach, suggest, or disclose setting a default data category (that establishes differences between business and personal hours) based upon a current time of day, day of week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days.

Allowance of independent Claims 9 and 21 is respectfully requested. Also, Claims 10-15 which depend on independent Claim 9, and Claims 22-24, which depend on independent Claim 21 are also in a condition for allowance as being dependent on allowable base claims.

CONCLUSION

In light of the facts and arguments presented herein, Applicant respectfully requests reconsideration of the rejected claims.

Based on the arguments presented above, Applicant respectfully asserts that Claims 1-24 overcome the rejections of record. Therefore, Applicant respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
BERRY & ASSOCIATES P.C.

Dated: August 8, 2006

By: /Reena Kuyper/

Reena Kuyper
Registration No. 33,830

9255 Sunset Blvd., Suite 810
Los Angeles, CA 90069
Tel. No. (310)247-2860